

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

BRIDGET EDWARDS,

Plaintiff,

CIVIL ACTION NO.
2:10cv165

v.

MURPHY BROWN, L.L.C.,

Defendant.

FELICIA D. TENNESSEE,

Plaintiff,

CIVIL ACTION NO.
2:10cv167

v.

MURPHY BROWN, L.L.C.,

Defendant.

DEPOSITION UPON ORAL EXAMINATION
OF LEWIS EPPS,
TAKEN ON BEHALF OF THE PLAINTIFFS

Waverly, Virginia

August 5, 2011

Appearances:

KAUFMAN & CANOLES, P.C.

By: JOHN M. BREDEHOFT, ESQUIRE

MARK E. WARMBIER, ESQUIRE

Counsel for the Defendant

THE EMINENT DOMAIN LITIGATION GROUP, P.L.C.

By: HENRY W. HOWELL, III, ESQUIRE

Counsel for the Plaintiffs

Also present: Mary Beth Williams

Bridget Edwards

Felicia D. Tennessee

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I N D E X

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LEWIS EPPS	MR. HOWELL	4
	MR. BREDEHOFT	32

EXHIBITS

(NONE)

1 Deposition upon oral examination of
2 LEWIS EPPS, taken on behalf of the Plaintiffs, before
3 Kathleen Beard Adams, RPR, CCR, CRR, a Notary Public for
4 the Commonwealth of Virginia at large, taken pursuant to
5 notice, commencing at 12:35 p.m., on August 5, 2011, at the
6 offices of Murphy Brown, L.L.C., 434 East Main Street,
7 Waverly, Virginia; and this in accordance with the Federal
8 Rules of Civil Procedure.

9 - - - - -

10 LEWIS EPPS was sworn and deposed on behalf of
11 the Plaintiffs as follows:

12
13 EXAMINATION

14
15 BY MR. HOWELL:

16 Q. Mr. Epps, I don't think you had that much
17 choice, but I still thank you for coming this morning.

18 A. You're welcome.

19 Q. Hank Howell. I go by Hank. Henry Howell
20 representing these ladies over here, Mrs. Felicia Tennessee
21 and Ms. Bridget Edwards, in some litigation, with Henry
22 Marsh, who associated me to help him out on the case. And
23 I've been doing that, so we're here today to ask some
24 questions and get some information.

25 A. Okay.

1 Q. And I'll try to be as efficient as I can and
2 try to make my questions understandable so that I'm not
3 asking you when you stopped beating your wife, for
4 example, a trick question, or kicking your dog. I
5 don't know what. I've got to come up with something
6 more politically correct as an unfair question.

7 Okay. Mr. Epps, please introduce yourself
8 and give your employment.

9 A. My name is Lewis Epps. I work for Murphy
10 Brown.

11 Q. What is your position?

12 A. Production manager.

13 Q. How long have you been with Murphy Brown,
14 approximately?

15 A. 23 years.

16 Q. Wow. How did you get started with them?

17 A. My dad ran a dairy farm and I heard about the
18 hog operation getting developed in Ivor and ended up
19 coming to work for Carroll Foods at the time and have
20 been here every since.

21 Q. And what type of work did you do beginning
22 with Carroll Foods? You know, were you production
23 manager then?

24 A. Oh, no, sir. I started out in the finishing
25 department, farrowing house, and the breeding barns on

1 the farm. So I was a regular employee, Farm 3.

2 Q. Farm 3?

3 A. Yes, sir.

4 Q. Is that near Ivor?

5 A. Yes, sir. About six miles away.

6 Q. So how did you progress up -- I know it can
7 be a long or a short story, but just briefly -- to
8 production manager?

9 A. I started out, like I say, on the farm. I
10 was on Farm 3 for nine months, then got transferred to
11 Farm 12. Then was promoted to manager April of '89,
12 which is about 12 -- 14 months later from the day I got
13 hired. Managed 14 for three years. Then I transferred
14 to Farm 1 and managed that farm. I managed that farm
15 until '94. In '94 I became production manager.

16 Q. Have you had the same farms under you as
17 production manager since '94?

18 A. Oh, no, sir. They change as our production
19 director feels like.

20 Q. Okay.

21 A. You might keep the same farm for a year or
22 two. There's no rhyme or reason to it.

23 Q. How many -- well, what farms did you have
24 under you in 2007, 2008?

25 A. I had 6, 7, 8. I believe Farms 1, 2, 3, 4.

1 And 5, I believe. I'm not sure about that, but I know
2 I had 6, 7, 8.

3 Q. Is the normal grouping about eight farms
4 under a production manager?

5 A. It depends on the number of pigs per farm and
6 how much that production manager can handle from area,
7 from the farms that are far apart or close by. So I've
8 had as few as five and as many as ten.

9 Q. Who worked under you -- well, let me just
10 say, 6, 7, and 8 are kind of grouped together outside
11 of Ivor?

12 A. Yes.

13

14 (An off-the-record discussion took place.)

15

16 BY MR. HOWELL:

17 Q. Would the farm managers report to you?

18 A. Yes.

19 Q. Directly?

20 A. Yes.

21 Q. I just want to focus on 6, 7, and 8.

22 A. Uh-huh.

23 Q. Around '07 and '08 who was manager of 6, if
24 you remember? Farm 6.

25 A. The manager of 6 was Emily Bunn.

1 Q. And 7?

2 A. Was her husband, Ken Bunn.

3 MR. BREDEHOFT: Can you spell Bunn for the
4 court reporter?

5 THE DEPONENT: B-U-N-N.

6

7 BY MR. HOWELL:

8 Q. And then Leigh Flournoy was at 8?

9 A. Yes.

10 Q. As of January '08, how long, approximately,
11 had Emily Bunn been manager of 6? Two or three years
12 or --

13 A. At least a year. I really don't know.

14 Q. How about Ken Bunn on Farm 7? How long had
15 he been out there under you?

16 A. Probably two or three years. He was there
17 longer.

18 Q. Do you remember a Joyce Nichols working under
19 Ken Bunn on Farm 7 or 6? Joyce Nichols?

20 A. Yes.

21 Q. Okay. Do you remember any incident in '06
22 when Ken Bunn would have reported to you a contact
23 between Joyce and a Hispanic worker, a male worker,
24 that there had been touching on the weekend?

25 A. No.

1 Q. You don't remember that?

2 A. No.

3 Q. Nothing like that?

4 A. No, sir.

5 Q. Okay. Does Ken Bunn still working at 7?

6 A. No.

7 Q. Where is he now?

8 A. He's production manager --

9 Q. Oh. Okay.

10 A. -- here in Waverly.

11 Q. Good. Does he have farms?

12 A. Yes.

13 Q. Okay. Is Emily Bunn still at 6 or has she
14 moved?

15 A. She has moved to a farm in Carolina.

16 Q. When did Murphy Brown start employing
17 Hispanic workers?

18 A. Let's see. I'd say eight years ago.

19 Q. What did you observe as the beginning of the
20 Hispanic workers coming in and how they progressed to
21 '08 in terms of the mix of workers under you? Did one
22 come and then two come or three come, did six come all
23 at once, or -- I don't know.

24 A. They slowly progressed in. I'm not sure how
25 many were hired -- like when the first one started we

1 might have hired three. I really don't know, but I
2 know what we did was the managers that we had that
3 could communicate with them, that could speak Spanish,
4 were the ones that we slid them over and transferred
5 some of their crew over to other farms so we could get
6 these guys trained because the English managers, like
7 myself, they speak no English, so I really couldn't
8 communicate with them. So that was what we felt like
9 we could do to help, you know, giving them employment,
10 because we had a hard time finding staff. So this is
11 what we felt we could do to get guys trained faster.

12 Q. And by finding staff you mean within the area
13 of south side, around the farm operations, it was hard
14 staffing the positions in the various departments of
15 the farms; is that what you're saying?

16 A. Yes.

17 Q. And so some decision was made to start
18 recruiting out of south of the Rio Grande, Mexico?

19 A. Oh. No, no, no, no.

20 Q. Okay.

21 A. It was whatever came in the door came in the
22 door. They progressed to here, as far as I know.

23 Q. Okay.

24 A. Yeah. We did not go communicate, try to hire
25 them in, no.

1 Q. Okay. There are Mexican -- I mean, there are
2 operations of Smithfield in Mexico. That's why I bring
3 it up.

4 A. Yeah.

5 Q. To your knowledge, that's not really part of
6 the beginning of hiring Mexican workers on these farms?
7 It was more they showed up here and they were processed
8 and hired?

9 A. Yeah.

10 Q. Were you involved in hiring at all?

11 A. No. I mean, they go to the farm, the manager
12 in some cases would interview some, some of them they
13 didn't, and they would call back to the office and say,
14 Yes, hire, or, No, do not hire.

15 Q. I see.

16 A. Managers did that.

17 Q. So, first, the potential -- the applicant for
18 the job who shows up but is not -- is an alien worker,
19 shows up at Murphy Brown here in Waverly or somewhere
20 else do they go to first seek employment, if you know?

21 A. They would have to come here to file
22 applications.

23 Q. Okay. So they file applications. The
24 process -- and at some point they go out to the
25 manager, who talks to them or checks them out, and then

1 the manager calls back and says, Hire, or, Don't hire.

2 A. Yeah. And they may just be interviewed at
3 the window at the farm, you know, just seeing who they
4 are, you know, what kind of worker they might have.
5 Some cases they shower in and take them through the
6 facility. It all depends, you know, on the manager and
7 the time constraints that they're under.

8 Q. All right. So you mean they could show up
9 right there, have them fill out an application?

10 A. Oh, no, no, no. The office would send them.

11 Q. The office would send them.

12 A. Yeah.

13 Q. I got you.

14 A. Yeah.

15 Q. Okay.

16 A. They've all been cleared through here first.

17 Q. Do you know anything of the process of
18 clearing them here?

19 A. No, I don't. I do not.

20 Q. All right. Before January '08 had you as
21 production manager received any complaints from female
22 employees about conduct of Hispanic male workers before
23 January '08?

24 A. Before January '08?

25 Q. Yeah. I mean, the Mexicans came -- were

1 there for -- well, you said --

2 A. Five.

3 Q. -- yeah, like five years before January '08
4 or something, a period of time. And in that timeframe
5 had you as production manager had any female workers,
6 non-Mexican, non-Hispanic, come to you to complain
7 about any behavior of male Hispanic workers?

8 A. Not other than this situation we're in now.

9 Q. This is the first time?

10 A. Yes.

11 Q. Okay. How well did you know the Hispanic
12 workers working on Farm 8 at the time of this door
13 incident?

14 A. I knew who they were at the farm, but being I
15 couldn't speak to them, and of course they couldn't
16 speak to me, it was limited, you know, interaction.
17 When I would go to the farm the manager -- I would talk
18 to the ladies here present who I could communicate to
19 in their department and then the Hispanic guys I would
20 just talk to the manager and he would address them
21 later with issues that I saw.

22 Q. Do you know whether Mrs. Flournoy knows
23 Spanish?

24 A. She knows some.

25 Q. Some.

1 A. Yes. How much I don't know, but she does.

2 She can communicate a little bit.

3 Q. All right. Would you be able to name them by
4 name if you had to?

5 A. No.

6 Q. All right. Did you review anything to
7 prepare for the deposition today?

8 A. No.

9 Q. All right. Let me -- I've got names of these
10 gentlemen who were at the farm that have been given to
11 me. I'm just going to run over them. Salvador
12 Rodriguez Hernandez, Miguel Vaquez, Jose Rodriguez, and
13 Wizberto Santiago Izarri.

14 Are you familiar with those names now?

15 A. That sounds like the crew. Yes.

16 Q. Okay. Now, were you aware that Salvador
17 Rodriguez Hernandez had worked at the farm under a
18 different name of Talon?

19 A. I don't know.

20 Q. Okay. All right. So was there any problems
21 on Farm 8 with the Hispanic workers, to your knowledge,
22 before the door incident at Farm 8?

23 A. In previous visits they would mention to me
24 that they felt like they were doing more work than the
25 rest of the staff on the farm, and they asked me to

1 talk to the manager about it.

2 Q. All right. And when they say "rest of the
3 staff," the only other staff was Mrs. Tennessee and Ms.
4 Edwards?

5 A. Yes. And not all four Hispanics. I mean,
6 the one that could speak a little English was the one
7 that came up to me and said, I feel like I'm washing
8 their rooms, I'm doing their work, why aren't they
9 doing it, kind of thing.

10 And the manager sets the schedule. I don't
11 do that.

12 Q. Right. Of course, Ms. Tennessee had worked
13 for a long time.

14 A. Yes.

15 Q. Had she worked under you a long time?

16 A. Not a long time, but she had for I'd say
17 about two years. Yeah. Something like that.

18 Q. Were you aware of her previous employment
19 with Murphy Brown and the farms?

20 A. I knew she worked on other farms, but those
21 farms were not my responsibility, so I knew her name
22 and knew who she was.

23 Q. What type of worker was she, in your opinion,
24 if you had one?

25 A. Very good. She was interested in her

1 department. When I would go through we'd interact and,
2 you know, talk about things to improve and issues she
3 was having in her department, and -- you know, and she
4 helped, you know, manage the farm and control staff and
5 things of that nature.

6 Q. And Ms. Edwards worked under her?

7 A. Yes.

8 Q. Okay. Had you received any complaints about
9 Ms. Edwards?

10 A. From?

11 Q. Anyone. About employment around that
12 timeframe that she worked under you other than the
13 Mexican's saying, you know, the amount of work.

14 A. Oh, no. No.

15 Q. Okay. Had you known Ms. Edwards for a
16 while --

17 A. Quite --

18 Q. -- before January '08?

19 A. Quite a few years. Yes.

20 Q. All right. Now, we get to your first
21 learning about some holes in a door to the women's
22 shower room. I'm just going to bring you forward to
23 that. Tell me how you first learned about it.

24 A. The manager, Leigh Flournoy, called me that
25 night. I'm not sure if it was a Tuesday night or a

1 Wednesday night, but she called me like I'm going to
2 say six p.m., something like that, it was after hours,
3 and said the two ladies had just called her and said
4 they found holes in the door and she wanted to report
5 it to me. So we talked on the phone for a few minutes.
6 And what I instructed her to do was go to the farm
7 early and caulk the holes in the door and -- because
8 the farm is 20 years old, we did not know whether the
9 holes were new or 20 years old. So I said, Let's caulk
10 them. See if you can find them -- because the girls
11 told her about where they were. And she was to go in
12 the next morning and caulk the holes, and that's what
13 she did.

14 Q. Okay. She reported back to you she had done
15 that the next day?

16 A. The next morning, yes, we spoke.

17 Q. And what did you learn about what was going
18 on at that time from Ms. Flournoy?

19 A. Well, she had got there -- she didn't get
20 there early. So when she got there I believe the
21 ladies and maybe some of the guys, I'm not sure how it
22 worked out, but they ended up realizing she had caulked
23 the holes in the door. And I didn't really want the
24 whole staff to know so we wouldn't, one, realize that
25 the holes were drilled again, we knew it was current

1 staff, not staff from 20 years or staff from five years
2 ago or whatever. So just trying to see what happened.
3 And so all the staff found out, which I'm not sure what
4 kind of disruption that made in the farm that morning,
5 but they all knew we caulked the holes. And she had
6 told me she had caulked the holes, so --

7 Q. When was the next communication -- did you
8 ever go out to look at the holes?

9 A. Yes.

10 Q. Was that the next morning or the next day or
11 a couple days or what?

12 A. I believe it was the next day, but in the
13 afternoon, maybe lunchtime, 1:00, somewhere midday.

14 Q. Had the holes been caulked at that point?

15 A. Yes. She had did it in the morning.

16 MR. BREDEHOFT: I'm sorry for interrupting.

17 MR. HOWELL: Sure. No. Go ahead.

18 MR. BREDEHOFT: I think it might be
19 ambiguous, whether this is the day after the phone call
20 or the next day after they reported back to work. I
21 think there's some ambiguity.

22

23 BY MR. HOWELL:

24 Q. Okay. So you got the call in the evening at
25 six?

1 A. Uh-huh.

2 Q. You told her to caulk the holes then?

3 A. That morning -- the next morning.

4 Q. The next morning. And she told you she had.

5 And then did you go out that day to see they had been
6 caulked or the following day?

7 A. I believe it was that day.

8 Q. That day.

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. Okay. What did you do when you arrived on
13 the farm?

14 A. Walked in the front door to the time clock
15 area, addressed the two ladies that were at the table
16 doing paperwork and whatever. Leigh was either in her
17 office or in the hallway. I spoke to Leigh on the
18 men's side shower room. She asked me, Do you want to
19 see the holes? I said, Yes, because we were discussing
20 other issues not pertaining to the door. So I walked
21 around to the women's door shower, walked in through
22 the shower, and Leigh showed me where the holes were
23 that she caulked.

24 Q. And she had some pictures of the holes before
25 they were caulked she had taken with her --

1 A. On her phone, but -- I didn't see those, but
2 I saw where the caulk was.

3 Q. All right.

4 A. Yeah.

5 Q. Did you do anything or say anything after you
6 saw them?

7 A. With Leigh --

8 Q. Yeah.

9 A. -- or --

10 Q. Or any of the Mexican -- you didn't speak to
11 the Mexicans?

12 A. They weren't up there. No. No.

13 Q. Okay. So how about with Leigh? What did you
14 all talk about? Anything after that?

15 A. We just talked about caulking holes on the
16 door. Wanted to see if there was, you know, any other
17 issues that needed to be addressed. We felt like the
18 holes were caulked, it's a concealed door again, and
19 didn't really do anything else after that. I mean, I
20 reported to HR that we had caulked the holes, so they
21 knew, but, I mean, we didn't do anything else. And we
22 were standing there talking and Bridget and Felicia
23 were at the table, which was 18, 20 feet away maybe,
24 and then they never came back there to ask me questions
25 about the door.

1 Q. All right.

2 A. So when I got done with Leigh I just left and
3 called HR and told them what we did.

4 Q. Did anyone tell you around that time about
5 Salvador Rodriguez Hernandez being caught by the door
6 by the ladies?

7 A. That was part of the conversation from Leigh,
8 yes --

9 Q. Okay.

10 A. -- that they had opened the door and there he
11 was.

12 Q. All right. I take it just you didn't go over
13 to Bridget and Felicia to say, What happened, or to
14 interview them at that point? Because they hadn't come
15 over to you, you didn't go over to them and you just
16 left?

17 A. Yeah.

18 Q. Okay. What's your next involvement with the
19 door incident? A call the next day from Leigh Flournoy
20 or --

21 A. I reported to HR what we did with caulking
22 the door. Leigh called me back maybe the next day or
23 the day after --

24 Q. Okay. That's fine.

25 A. -- I'm not really sure, and said Bridget and

1 Felicia said the door was not satisfactory. I said,
2 Okay.

3 So I told her -- I instructed her then to
4 take a towel and put over the door so if they drilled a
5 hole in the door you're not going to get through the
6 towel. So they could drill, it wouldn't be a problem.
7 I would definitely know it was, you know, people on the
8 farm at this time. And so we did that.

9 And I believe it may have been the same day
10 or the next day that the ladies again said that was not
11 satisfactory. And I guess a few days later we replaced
12 the whole door.

13 Q. Okay. Was that after they came up here and
14 spoke with you and someone from Human Resources?

15 A. The door replacement?

16 Q. Yeah.

17 A. I'm not sure. It was pretty -- it was one or
18 the other. You know, it could have been before and it
19 could have been after. I'm not sure.

20 Q. Okay. So at one morning around that time
21 Felicia Tennessee and Bridget Edwards came to Human
22 Resources about what had happened?

23 A. (Moved head up and down.)

24 Q. And you were in on that meeting?

25 A. Yes.

1 Q. Okay. How did you know -- what was told to
2 you that morning that got you here? Maybe you're here
3 all the time, but had you heard they were coming before
4 they came?

5 A. Yes. I got a call, I believe it was from
6 Leigh, saying that Bridget and Felicia were on their
7 way up here.

8 Q. Okay.

9 A. It could have been Ms. Brooks, but, yeah, I
10 knew they were coming. So I was upstairs doing my
11 weekly paperwork and stuff I had to do on that certain
12 day.

13 Q. All right. So they arrived here in the
14 morning?

15 A. Uh-huh.

16 Q. What happened of significance, you know, in
17 terms of --

18 A. Me and Ms. Brooks and Bridget and Felicia
19 went into the smaller conference room, and Laura just
20 interviewed, you know, both of them and got their
21 statements of, you know, what was happening. And
22 that's when we got into more details on the door, more
23 details on the touching arms and maybe feet under the
24 table kind of stuff that was going on. And when we
25 were done -- Laura, you know, took notes the whole

1 time. When we were done the ladies asked to not go
2 back to Farm 8. And we said, okay, we'd have to let
3 them know which farms because I didn't know on the spur
4 of the moment where I would transfer them to. And when
5 they left Felicia asked not to go to one farm because
6 of one person she didn't get along with. And we said,
7 Okay. And Laura said she would call them that night or
8 later that afternoon, because this was, you know, 10:00
9 in the morning, whatever, and we would let them know
10 where to report the next day.

11 Q. Can you remember any other details of what
12 happened -- what was said in the conversation with
13 Felicia and Bridget when you were there with
14 Ms. Brooks?

15 A. There was -- well, foots under the table,
16 rubbing the feet, whatever. There was walking past I
17 guess while they were sitting in their chair and just
18 nudge them on the shoulder was mentioned. And then
19 saying things in Spanish, which I don't know what they
20 were, but saying things that wasn't nice, I reckon -- I
21 don't know Spanish, but I think they know a little bit
22 being on the farm with the guys every day -- that they
23 took offense at.

24 Q. Okay. Were the ladies upset?

25 A. Yes.

1 Q. Did these employees on 6, 7, and 8, the
2 Hispanic ones, ride to work together, if you know?

3 A. They all have to. Most of them have one car
4 and some have two. So some drive. Some hitch rides.
5 That's -- anybody does that.

6 Q. Do the Hispanics know each other?

7 MR. BREDEHOFT: Foundation.

8

9 BY MR. HOWELL:

10 Q. Yeah. Okay.

11 Based on your observations, did the Hispanics
12 from 6, 7, and 8 know each other and not only on the
13 farm but off the farm in terms of they rode together or
14 you saw them talking together or you knew they lived in
15 the same place or anything like that?

16 A. I don't know. I mean, they could. I don't
17 know.

18 Q. All right. Do you remember suggesting to
19 Mrs. Tennessee and Ms. Edwards that they might have put
20 the holes in the door?

21 A. Yes.

22 Q. You did say that to them?

23 A. Uh-huh.

24 Q. Why did you say that?

25 A. Because I know the days before -- that there

1 had been a complaint the day before to HR from the
2 Hispanic guys about the two ladies, I guess about the
3 workload, so they called the HR rep. I don't remember
4 his name. And he came to the farm and spoke to the
5 gentlemen on the farm. And then, like I said, the very
6 next day here comes the holes in the door. And not
7 knowing who did it, it could have been anybody. It
8 could have been them. It could have been the guys on
9 the farm. It could have been the guys we employed five
10 and ten years ago. So it could have been anybody. So
11 that's why we wanted to find out if there was any more
12 holes drilled after we caulked them to at least
13 designate that it was the staff on that site.

14 Q. But I'm trying to get why -- why would you
15 include Mrs. Tennessee and Ms. Edwards among the
16 potential suspects who would have put the holes in the
17 door?

18 A. Because the day before the gentlemen had did
19 a complaint against them, and it could have been
20 retaliation. I don't know. I wasn't involved in
21 either of the conversations, but I didn't know.

22 Q. Well, all right. Well, what do you know
23 about the complaint or the concerns of work sharing by
24 the Hispanic workers at Farm 8? What do you know about
25 those complaints, if anything, you know, besides what

1 you've said? If anything. I don't know. You may have
2 reported all that you know, but do you know anything
3 else about that?

4 A. The biggest complaint was that on wean day,
5 when we take the babies from the mothers to the
6 nursery, was that the guys were doing all the weaning.
7 And then they would in turn end up having to wash the
8 two rooms that was the ladies' responsibility. And the
9 guys didn't understand why they're washing their
10 department and they already have to wash their own
11 department. And they felt, well, we're in there
12 weaning the pigs and the ladies would disappear.
13 Whether she wanted to go to the rest room or go check
14 on the pigs, they don't know where the ladies went, or
15 one of them went. And they said, We're in here doing
16 their job. And they felt that was the biggest thing.

17 Q. That's what the translator told you?

18 A. That's what one of the guys said.

19 Q. Through the translator?

20 A. No. The one that could speak some English to
21 me.

22 Q. Okay.

23 A. The rest of them don't talk to you.

24 Q. Right. But at that point in time did you
25 consider the long-term employment history between Ms.

1 Edwards and Mrs. Tennessee and Murphy Brown compared to
2 the Hispanic workers?

3 A. Compared to the complaint?

4 Q. Compared to the four Hispanic -- the one who
5 talked to you about he didn't like cleaning up theirs.

6 A. Right.

7 Q. I mean, did you have in your mind the length
8 of work employment of these two when you suggested they
9 may have put the holes in the door? Were you thinking
10 about how long they had worked for Murphy Brown as good
11 employees --

12 A. Right.

13 Q. -- when you suggested they might have put the
14 holes in the door? Were you thinking of that at that
15 time --

16 A. No.

17 Q. -- or just --

18 A. No. Just that -- the fact that we had had a
19 complaint the day before and the very next day we got
20 holes in the door. That was the only deal that -- I
21 wasn't, you know, somebody been here ten years, 20
22 years. That didn't come into play, no.

23 Q. Did you take any action against the four
24 Hispanic male workers working on Farm 8 at the time of
25 the incident?

1 A. Like disciplinary or --

2 Q. Anything.

3 A. No. Turned it over to HR. They were going
4 to do an investigation.

5 Q. When was the last -- when was the next time
6 you heard something related to the incident within your
7 purview of work?

8 A. I don't understand.

9 Q. I mean, well, did you hear anything about the
10 incident from HR or Leigh Flourney before you learned
11 that Salvador Rodriguez Hernandez had been arrested?

12 A. No.

13 Q. How did you come to learn he had been
14 arrested?

15 A. Possibly Leigh called me and said they just
16 -- yeah, I think that, They just came and arrested
17 Salvador.

18 And I'm not sure how many days or a week
19 later that was after the issue.

20 Q. Okay. Well, did you learn what happened to
21 Salvador after he was arrested?

22 A. Heard he was arrested, put in jail for three
23 or four days, and went to the judge, I guess, and said,
24 Guilty, or whatever he said. He apparently had did it,
25 I guess. I don't know. I wasn't there.

1 Q. Someone told you he pled guilty --

2 A. Yeah.

3 Q. -- to peeping?

4 A. I don't know what. I guess he said guilty to
5 whatever they were addressing him or -- or arrested him
6 for, I guess.

7 Q. Did you ever make a determination of who put
8 the holes in the door?

9 A. No, sir.

10 Q. Did you have any facts to dispute that
11 Salvador Rodriguez Hernandez was guilty of the charge?

12 A. No.

13 Q. Do you know whether he worked between the
14 time he bailed out and actually pled guilty?

15 A. I thought it was the same day. I thought
16 that was how he got out.

17 Q. How long was it between the incident and when
18 he was taken away by the police? A couple weeks?

19 A. I don't think it was that long. A week, ten
20 days. It seems like it was pretty quick. It wasn't a
21 long time, no.

22 Q. Did his arrest and pleading guilty, to your
23 knowledge, prompt any further investigation into the
24 door incident?

25 A. I know HR was still looking into it, but you

1 mean like police issues?

2 Q. Or anything.

3 A. I don't know. I know they were still
4 investigating it, but that's all I know.

5 Q. Okay. At any point did they communicate to
6 you any findings relating to -- well, I take it
7 Salvador Rodriguez Hernandez -- did he come back to
8 work after pleading guilty?

9 A. I think he did. I think he was on the farm
10 for a day or two and then we terminated him. I believe
11 that's right.

12 Q. And what was the basis for the termination?

13 A. I'm assuming because he pled guilty to the
14 action.

15 Q. Are you aware of any disciplinary action
16 towards the other three who remained?

17 A. Not that I'm aware of, no.

18 Q. And this is important. Are you positive Ken
19 Bunn never came to you with any complaint from Joyce
20 Nichols that on a weekend a Hispanic male worker had
21 put his hands on her?

22 A. I just don't remember that, no.

23 Q. Would that have been something that would
24 have resulted in a record and a report to Human
25 Resources?

1 A. Oh, yes.

2 Q. Would Ken Bunn be a better person to talk to
3 about it?

4 A. Probably so, yes.

5 MR. HOWELL: Okay. That's it for me.

6

7

EXAMINATION

8

9 BY MR. BREDEHOFT:

10 Q. Did you ever laugh at either Ms. Tennessee or
11 Ms. Edwards because they were complaining?

12 A. Not that I'm aware of, no.

13 Q. Did you laugh at their complaints?

14 A. No.

15 Q. Did you make fun of them?

16 A. No.

17 Q. Did you take it seriously?

18 A. Yes.

19 Q. And you consider it's a serious matter,
20 right?

21 A. Yes, sir.

22 Q. Okay. We talked a little bit about the day
23 after the complaint phone calls of the first evening.
24 And then you said you reported to HR that the holes had
25 been caulked. Was that the first time you spoke to HR

1 about the complaint or had you talked to them earlier?

2 A. I spoke to them that next morning and
3 informed Laura of the holes in the door and then -- and
4 let her know that we had patched the holes. So she
5 heard about it first and then I guess that second phone
6 call later.

7 Q. Okay. Mr. Salvador Rodriguez Hernandez
8 coming back to work after he pled guilty, are you sure
9 he came back to work after he pled guilty?

10 A. I'm not sure. I didn't see him.

11 Q. Okay.

12 A. I thought they pulled him to the office to
13 terminate him. I think that's what happened.

14 MR. BREDEHOFT: I have nothing further.

15 MR. HOWELL: Okay. Thank you.

16 MR. BREDEHOFT: He'll read and sign. Thank
17 you.

18

19 (Signature not waived.)

20

21 (The deposition was concluded at 1:15 p.m.)

22

23

24

25

1 CERTIFICATE OF DEPONENT

2 COMMONWEALTH OF VIRGINIA
3 CITY OF _____4 Before me, this day, personally appeared LEWIS EPPS,
5 who, being duly sworn, states that the foregoing transcript
6 of this deposition, taken in the matter, on the date and at
7 the place set out on the title page hereof, constitutes a
8 true and complete transcript of said deposition.9 -----
10 LEWIS EPPS11 SUBSCRIBED and SWORN to before me this _____
12 day of _____, 2011, in the jurisdiction aforesaid.13 _____
14 My Commission Expires15 _____
16 Notary Public

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Kathleen Beard Adams, RPR, CCR, a Notary
3 Public for the Commonwealth of Virginia at large, of
4 qualification in the Circuit Court of the City of
5 Virginia Beach, Virginia, and whose commission expires
6 August 31, 2014, do hereby certify that the within
7 named deponent, LEWIS EPPS, appeared before me at
8 Waverly, Virginia, as hereinbefore set forth, and after
9 being first duly sworn by me, was thereupon examined
10 upon his oath by counsel for the respective parties;
11 that his examination was recorded in Stenotype by me
12 and reduced to computer printout under my direction;
13 and that the foregoing constitutes, to the best of my
14 ability, a true, accurate, and complete transcript of
15 such examination.

16 I further certify that I am not related to nor
17 otherwise associated with any counsel or party to this
18 proceeding, nor otherwise interested in the event
19 thereof.

20 Given under my hand and notarial seal this 16th
21 day of August, 2011.

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Notary Public
Certified Court Reporter No. 0313086